

Journal of the House

THIRTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 28, 2008, 9:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 125 members present.

Prayer by guest chaplain, Chaplain John Potter, Joint Support Chaplain with the Kansas National Guard and pastor of Stanwood Friends Church in McLouth:

Help us to bundle up Lord.

Paul tells the Colossians, we are to clothe ourselves in compassion, kindness, humility, meekness, patience, forgiveness, and above all else, love.

Compassion is a shirt in our dresser that needs to get out more often.

Kindness is a perfect fitting pair of blue jeans that we wear around family and friends. May we remember this garment can be worn away from home.

Humility just isn't pretty Lord. The mirror is quite telling. It needs some tailoring because we outgrow it so soon.

Meekness is a dusty pair of shoes in the closet we once wore.

Patience is a snug fitting waist band we can't fasten, so we cast it off for something else easy to wear.

Forgiveness is a suit that we remember from our youth. Give us the ability to forgive others, as You have forgiven us.

But Precious Lord, of all the clothing we can wear, help us to put on love every day.

Help us to bundle up Lord.

May these Godly garments never leave our earthly form. Keep us clothed in the likeness of Jesus Christ, our risen Savior. Amen.

The Pledge of Allegiance was led by Rep. Craft.

There being no objection, the following remarks of Reps. Hawk, Craft and Ruff are spread upon the journal:

Remarks of Rep. Hawk: It is a special day each year when we celebrate "Armed Forces Appreciation Day in the Capitol." Today, Representatives Barbara Craft, Candy Ruff, and I will recognize some military groups here in the Capitol as part of this special day. First, I would like to recognize the Governor's Military Council and some of its members who are here today in the Capitol.

In an effort to assist communities to assist communities to accommodate the considerable growth the state will experience as a result of BRAC 2005, Governor Sebelius passed Executive Order 06-02 in January 2006 which formed the Governor's Military Council. This 24-member Council, chaired by former Lieutenant Governor John Moore, is a follow-on to a Commission the Governor previously formed to grow and protect the military presence in Kansas during the BRAC 2005 process. The Council is a partnership between the administration, key Legislators, business leaders and military representatives. The Council was formed to protect the gains arising from the BRAC 2005 process and other DoD decisions that grow the Military's presence in Kansas; remove operational impediments, increase operating efficiencies, and recruit/acquire new missions and forces; and implement initia-

tives to enhance the quality of life for all military personnel, active, reserve, Guard, retired and their dependents.

Today representing the Governor's Military Council are four members: Retired Colonel Robert Ulin of Leavenworth, Scott Stuckey of Junction City, and Representatives, Colonel Lee Tafanelli, and myself, Representative Tom Hawk.

Representative Barbara Craft will now introduce her special guests and share some of the activities occurring today as part of "Armed Forces Appreciation Day in the Capitol."

Remarks by Rep. Craft: Between 1941 and 1945, nearly 1,000 African-Americans were trained as fighter pilots at Tuskegee. Program participants were graduates of Tuskegee University, as well as graduates of other universities across the nation.

The Tuskegee Airmen had a distinguished record of combat performance, including:

- destroying 260 enemy aircraft
- not losing a single bomber to enemy fire in more than 200 combat missions as air escorts — an achievement unmatched by any other fighter group
- earning 850 medals

"Their distinguished combat performance helped persuade then President Harry S. Truman in 1948 to issue Executive Order 9981, which desegregated the U.S. Military." Dr. Payton said. Tuskegee University played an integral role in creating the Tuskegee Airmen legacy, and for that reason, honorary doctorates in public service were bestowed upon the remaining first African-American fighter pilots.

Tuskegee Airman Col. George Mills Boyd, who served as a squadron adjutant, detachment and squadron commander, management engineer and jet fighter radar intercept officer for 28 years with the United States Air Force. He is also an original life member of Tuskegee Airmen Inc., Class 45-G.

Rep. Ruff introduced Major Wes Pirkle, Maj. Dana Duggins, and Maj. Scott Myers, all from the Command and General Staff College at Fort Leavenworth.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2948, An act concerning income taxation; relating to social security benefits; amending K.S.A. 2007 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2946**, **HB 2947**.

Taxation: **HB 2944**, **HB 2945**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills appearing on the calendar as "To be referred" were referred to committees as indicated:

Agriculture and Natural Resources: **SB 475**, **SB 538**.

Commerce and Labor: **SB 612**.

Education: **SB 492**.

Elections and Governmental Organization: **SB 574**, **SB 575**.

Health and Human Services: **SB 512**; **Sub. SB 549**.

Judiciary: **SB 414**.

Education Budget: **SB 403**.

COMMUNICATIONS FROM STATE OFFICERS

From Howard Schwartz, Judicial Administrator, pursuant to KSA 8-1008, 2007 Annual Report of the Statement of Alcohol Drug Safety Action Program.

From the University of Kansas, KU Works for Kansas Annual Report, 2007.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Holland, **HR 6011**, A resolution proclaiming and celebrating the 150th anniversary of the founding of Baker University, was adopted.

There being no objection, the following remarks of Rep. Holland are spread upon the journal:

Thank you Mr. Speaker! I am very proud to stand before the House body today to recognize Baker University . Baker University was founded on February 12, 1858 by a group of Methodists hoping to bring education to the Kansas-Nebraska Territory and was named after distinguished scholar Osmon Cleander Baker, Bishop of the Methodist-Episcopal Church which is now the United Methodist Church.

Baker University was founded before Kansas became a state, and its charter was granted by the Territorial Legislature in 1858. The first building on the Baker Campus was Old Castle in which its doors were first opened on November 22, 1858 on the Baker Campus in Baldwin City. Werter Renick Davis served as Baker's first president.

Baker University has come a long way in the past 150 years. Baker University is now a comprehensive university with four schools serving nearly 4,000 students across six campuses and at other locations in Kansas and Missouri.

Fellow representatives, we do hereby proclaim the year 2008 as Baker University's sesquicentennial year. We celebrate its continued growth, rich legacy, progress and achievements of the university, and we recognize Baker University as the first university in Kansas and as a great institution of higher learning.

I am also pleased to present to you today a number of present and past officials from Baker University. Joining us today are Dr. Patricia Long, who has served as Baker University's president since 2006; Dr. Daniel Lambert , who served as president of Baker from 1987 to 2006; Dr. Ralph Tanner, who served as president of Baker from 1980 to 1987 and is also a former member of the Kansas House of Representatives; and Dr. Neal Malicky, who served as president of Baker from 1973 to 1974; Mr. Jerry Weakly, Vice President for Endowment and Planned Giving; and Ms. Susan Gandhi, board member.

In conclusion, Baker University is a wonderful institution. My wife Barbara and I have a son, Derek, who is a student at Baker, and we believe that he is receiving a top-notch education that will help him succeed following his graduation at Baker. Baker has been a blessing to both Baldwin City and the State of Kansas, and we salute Baker University for its contributions to academic excellence.

CONSENT CALENDAR

No objection was made to **HB 2919** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2827** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2827, An act concerning the rules and regulations filing act; requiring agencies to consider the effects of proposed rules and regulations on small employers; amending K.S.A. 77-415 and K.S.A. 2007 Supp. 77-416 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson,

Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2605, An act concerning school districts; relating to school finance; amending K.S.A. 2007 Supp. 72-6455 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 62; Nays 63; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Bethell, Brown, Brunk, Burgess, Burroughs, Colloton, Colyer, Craft, Crum, Donohoe, Faber, Faust-Goudeau, Flaharty, Frownfelter, Garcia, George, Goico, Gordon, Goyle, Grange, Hawk, Hill, Hodge, Holland, C. Holmes, Huebert, Huntington, Kelsey, Kinzer, Landwehr, Loganbill, Long, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Metsker, Moxley, Neighbor, O'Neal, Olson, Owens, Patton, Pauls, Pottorff, Quigley, Rhoades, Roth, Ruiz, Sawyer, Shultz, Siegfried, Sloan, Spalding, Swenson, Watkins, Winn, K. Wolf, Worley, Yoder.

Nays: Ballard, Beamer, Bowers, Carlin, Carlson, Crow, Dahl, Davis, Dillmore, Feuerborn, Flora, Fund, Gatewood, Grant, Hayzlett, Henderson, Henry, M. Holmes, Horst, Humerickhouse, Johnson, Kelley, Kiegerl, King, Knox, Kuether, Lane, Light, Lukert, Mah, McKinney, Menghini, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, Otto, Palmer, Peck, Peterson, Phelps, Powell, Powers, Proehl, Rardin, Ruff, Schroeder, Schwartz, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: None.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: While I agree with the Linear Transition in concept, it is not right to change the rules of school finance in midstream. This issue should be brought forth when we are either extending the current plan by one year, or working on the next plan.

We made a commitment, as evidenced by our setting aside funds last year to cover the cost of the current plan. Let's not change that commitment to our schools who have made plans based on the current formula. This is no way to support those who are counting on us. I vote "no" to **HB 2605**.—MITCH HOLMES, S. MIKE KIEGERL, DEENA HORST

HB 2632, An act concerning the Kansas corporation commission; relating to energy efficiency, conservation and demand management programs; amending K.S.A. 2007 Supp. 74-616 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 2; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treas-

ter, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kelley, Landwehr.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2707, An act relating to crimes and punishments; concerning theft of property and criminal deprivation of property; intent to deprive; relating to leaving the scene of an accident; amending K.S.A. 21-3702, 21-3705 and 21-4704 and K.S.A. 2007 Supp. 8-1602 and repealing the existing sections; also repealing K.S.A. 21-4704b, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed as amended.

HB 2721, An act concerning the board of cosmetology; relating to licensing requirements; amending K.S.A. 65-1901, 65-1903, 65-1904b, 65-1905, 65-1906, 65-1908, 65-1909, 65-1912, 65-1926, 65-1940, 65-1941, 65-1942, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1953 and 65-1954 and K.S.A. 2007 Supp. 65-1902 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 65; Nays 60; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Colloton, Craft, Crow, Davis, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Fund, Garcia, George, Goyle, Hawk, Henry, Hill, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kelley, Kelsey, Kuether, Lane, Light, Loganbill, Mast, McCray-Miller, Menghini, Metsker, Jim Morrison, Moxley, Neighbor, Owens, Pauls, Peck, Pottorff, Quigley, Rardin, Rhoades, Roth, Ruff, Sawyer, Schroeder, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tietze, Treaster, Trimmer, Wilk, Winn, K. Wolf, Yoder.

Nays: Brunk, Burgess, Burroughs, Carlin, Carlson, Colyer, Crum, Dahl, Dillmore, Feuerborn, Frownfelter, Gatewood, Goico, Gordon, Grange, Grant, Hayzlett, Henderson, Hodge, Holland, Huebert, Humerickhouse, Kiegerl, King, Kinzer, Knox, Landwehr, Long, Lukert, Mah, Masterson, McKinney, McLachlan, McLeland, Merrick, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peterson, Phelps, Powell, Powers, Proehl, Ruiz, Schwartz, Svaty, Tafanelli, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: None.

The bill passed as amended.

Sub. HB 2725. An act relating to vehicle protection products; providing exemption from insurance laws, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Will, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

HB 2727. An act concerning sexual assault; relating to evidence; amending K.S.A. 65-448 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Will, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed as amended.

HB 2735. An act concerning the state corporation commission; relating to transfers to the abandoned oil and gas well fund; amending K.S.A. 2007 Supp. 55-193 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 3; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell,

Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Merrick, Neufeld, Schwartz.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2772, An act concerning real estate appraisers; relating to licensure, penalties and exceptions; amending K.S.A. 58-4102, 58-4103, 58-4117 and 58-4118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 19; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Colloton, Colyer, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Carlson, Dahl, Feuerborn, Gordon, Hodge, Huebert, Kelley, Kinzer, Knox, Lane, Mast, Masterson, McLeland, Judy Morrison, Patton, Schwartz, Siegfried.

Present but not voting: None.

Absent or not voting: None.

The bill passed as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Powell in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Powell, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2845** be passed.

Sub. HB 2358 be passed over and retain a place on the calendar.

Committee report to **HB 2634** be adopted; also, on motion of Rep. Knox be amended on page 1, in line 16 by striking "8" and inserting "5"; by striking all in line 30;

By relettering subsections accordingly;

On page 3, by striking all in lines 30 through 43;

By striking all on pages 4 through 6;

On page 7, by striking all in lines 1 through 13;

By renumbering the remaining section accordingly;

In the title, by striking all in lines 11 through 13 and inserting "relating to broadband deployment."; and **HB 2634** be passed as amended.

Committee report to **HB 2780** be adopted; also, on motion of Rep. Kinzer be amended on page 11, in line 34 before "K.S.A." by beginning a new paragraph and inserting:

"Sec. 4.;

By renumbering the remaining sections accordingly;

Also, on motion of Rep. Colloton, **HB 2780** be amended on page 15, after line 2, by inserting the following:

"Sec. 5. K.S.A. 2007 Supp. 28-176 is hereby amended to read as follows: 28-176. (a) Any person convicted or diverted, or adjudicated or diverted under a preadjudication program, pursuant to K.S.A. 22-2906 et seq., K.S.A. 2007 Supp. 38-2346 et seq., or 12-4414 et seq., and amendments thereto, of a misdemeanor or felony contained in chapters 21, 41 or 65 of the Kansas Statutes Annotated, or a violation of K.S.A. 8-1567 and amendments thereto,

shall pay a separate court cost of: (1) \$400 as a Kansas bureau of investigation laboratory analysis fee for each offense if forensic science or laboratory services are rendered or administered by the Kansas bureau of investigation in connection with the case; and (2) \$400 for each offense if forensic science or laboratory services are rendered or administered by the Sedgwick county regional forensic science center ~~or~~, the Johnson county sheriff's laboratory *or the heart of America regional computer forensics laboratory*.

(b) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

(c) Disbursements from the Kansas bureau of investigation laboratory analysis fee deposited into the forensic laboratory and materials fee fund of the Kansas bureau of investigation shall be made for the following:

- (1) Providing criminalistic laboratory services;
- (2) the purchase and maintenance of equipment for use by the laboratory in performing analysis;
- (3) education, training and scientific development of Kansas bureau of investigation personnel; and
- (4) the destruction of seized property and chemicals as prescribed in K.S.A. 22-2512 and 60-4117, and amendments thereto.

(d) Fees received into this fund shall be supplemental to regular appropriations to the Kansas bureau of investigation.

(e) The fee for services rendered or administered by the Sedgwick county regional forensic science center shall be deposited in the Sedgwick county general fund ~~and~~, the fee for services rendered or administered by the Johnson county sheriff's laboratory shall be deposited in the Johnson county general fund *and the fee for services rendered or administered by the heart of America regional computer forensics laboratory shall be deposited in the general treasury account maintained by the heart of America regional computer forensics laboratory* and disbursed for the following:

- (1) Providing criminalistic laboratory services;
- (2) the purchase and maintenance of equipment for use by the center or laboratory in performing analysis; and
- (3) education, training and scientific development of the center's or laboratory's personnel.”;

And by renumbering the remaining sections accordingly;

Also on page 15, in line 3, after “22-3716” by inserting “and K.S.A. 2007 Supp. 28-176”;

On page 1, in the title, in line 12, after “22-3716” by inserting “and K.S.A. 2007 Supp. 28-176”;

and **HB 2780** be passed as amended.

Committee report to **HB 2620** be adopted; also, on motion of Rep. Mast be amended on page 2, after line 38, by inserting:

“Sec. 3. (a) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of the Kansas healing arts act which shall specify the number and severity of violations for the imposition of each level of sanction.

(b) This section shall be part of and supplemental to the Kansas healing arts act.”;

And by renumbering the remaining section accordingly; and **HB 2620** be passed as amended.

Committee report to **HB 2825** be adopted; and the bill be passed as amended.

Committee report to **HB 2188** be adopted; also, on motion of Rep. Swenson to amend, Rep. O'Neal requested a ruling on the amendment begin germane to the bill. The Rules Chair ruled the amendment not germane, and **HB 2188** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2618** be adopted; also, on motion of Rep. Otto be amended on page 1, following line 17, by inserting:

“New Section 1. In the event a Kansas state agency is interpreting or enforcing a federal regulation, a federal statute or a national building or fire code and such regulation, statute or code is interpreted less restrictively by state officials in other states, such less restrictive interpretation shall be applicable in Kansas unless such less restrictive interpretation conflicts with a Kansas statute, regulation or local ordinance or resolution.

Sec. 2. K.S.A. 77-619 is hereby amended to read as follows: 77-619. (a) The court may receive evidence, in addition to that contained in the agency record for judicial review, only

if it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues regarding:

(1) Improper constitution as a decision-making body; or improper motive or grounds for disqualification, of those taking the agency action; ~~or~~

(2) unlawfulness of procedure or of decision-making process; *or*

(3) *interpretations in other states when a party is claiming the application of section 1, and amendments thereto.*

(b) The court may remand a matter to the agency, before final disposition of a petition for judicial review, with directions that the agency conduct fact-finding and other proceedings the court considers necessary and that the agency take such further action on the basis thereof as the court directs, if:

(1) The agency was required to base its action exclusively on a record of a type reasonably suitable for judicial review, but the agency failed to prepare or preserve an adequate record;

(2) the court finds that (A) new evidence has become available that relates to the validity of the agency action at the time it was taken, that one or more of the parties did not know and was under no duty to discover, or did not know and was under a duty to discover but could not reasonably have discovered until after the agency action, and (B) the interests of justice would be served by remand to the agency;

(3) the agency improperly excluded or omitted evidence from the record; or

(4) a relevant provision of law changed after the agency action and the court determines that the new provision may control the outcome.”;

And by renumbering the remaining sections accordingly;

On page 14, in line 42, after “77-526,” by inserting “77-619.”;

In the title, in line 9, after the semicolon, by inserting “relating to interpretation of federal statutes, regulations and national codes.”; in line 10, after “77-526,” by inserting “77-619.”;

Sub. HB 2618 be passed as amended.

Committee report to **HB 2732** be adopted; and the bill be passed as amended.

Committee report to **HB 2675** be adopted; and the bill be passed as amended.

Committee report to **HB 2657** be adopted; also, on motion of Rep. Winn to amend, the motion did not prevail and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2949, An act concerning energy; enacting the Kansas energy plan act, by Committee on Federal and State Affairs.

MESSAGE FROM THE SENATE

Announcing passage of **SB 415, SB 443, SB 474, SB 498; Sub. SB 501; SB 545, SB 558, SB 563, SB 565, SB 570, SB 580, SB 581, SB 588; Sub. SB 596.**

Announcing passage of **HB 2622.**

Announcing passage of **HB 2071**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 415, SB 443, SB 474, SB 498; Sub. SB 501; SB 545, SB 558, SB 563, SB 565, SB 570, SB 580, SB 581, SB 588; Sub. SB 596.

On motion of Rep. Merrick, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Dahl in the chair.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. O'Neal in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted:
Recommended that **HB 2702**, **HB 2783**, **HB 2805** be passed.

Committee report to **HB 2847** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2826** be adopted; and the substitute bill be passed.

On motion of Rep. Gatewood, **HB 2905** be amended on page 1, after line 27, by inserting the following:

"Sec. 3. All offices located in the state capitol building shall be required to have unique office numbers."

And by renumbering the remaining sections accordingly;

Also on page 1, in the title, in line 9, by striking "security" and inserting "capitol complex buildings"; in line 10, after "liaison" by inserting "; unique office numbers for all offices in the capitol building"; and **HB 2905** be passed as amended.

On motion of Rep. Ruff, **HB 2923** be amended on page 2, after line 15, by inserting the following:

"Sec. 3. The legislative post auditor shall conduct audits of the veterans enhanced service delivery program under this section in accordance with the provisions of the legislative post audit act. Each such audit shall focus on how much spending from the state general fund would be or has been reduced because of increased federal benefits paid to veterans resulting from the veterans enhanced service delivery program. Reports of such audits shall be submitted to the legislature at the beginning of the regular session of the legislature held during 2009 and 2012. The 2009 audit report shall estimate the savings from the time the veterans enhanced service delivery program was implemented and as projected for the remainder of fiscal year 2009 and for fiscal years 2010, 2011 and 2012.";

And by renumbering the remaining section accordingly;

Also, on further motion of Rep. Ruff, **HB 2923** be amended on page 2, after line 15, by inserting the following:

"Sec. 3. The legislative post auditor shall conduct an audit to determine how much money is spent from the state general fund for services to veterans or family members of veterans that could be replaced by federal benefits through the United States department of veterans affairs.";

And by renumbering the remaining section accordingly;

Also, on motion of Rep. Rardin to amend **HB 2923**, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2850** be adopted; and the bill be passed as amended.

Committee report to **HB 2746** be adopted; also, on motion of Rep. Brunk be amended on page 19, in line 30, by striking "(2), (3), (14), (19)"; also in line 30, by striking ", (20)" and inserting "(1), (2), (13), (18), (19)"; and **HB 2746** be passed as amended.

Committee report to **HB 2686** be adopted; and the bill be passed as amended.

Committee report to **HB 2870** be adopted; also, on motion of Rep. Ward to amend the bill, Rep. Aurand requested the question be divided. The request was subsequently withdrawn. The question reverted back to the motion of Rep. Ward to amend on page 5, by striking all in lines 18 through 43;

By striking all on pages 6 through 11;

On page 12, by striking all in lines 1 through 11; following line 11 by inserting:

"Section 1. K.S.A. 2007 Supp. 74-32,102 is hereby amended to read as follows: 74-32,102.
(a) There is hereby established the teacher service scholarship program. A scholarship may be awarded under the teacher service scholarship program to any qualified student and may be renewed for each such student who remains qualified for the scholarship. Determination of the students qualified for such scholarships shall be made by the executive officer. Scholastic ability shall be determined on the basis of any one or more of the following: (1) High ACT or SAT score; (2) rank in high school graduation class; (3) cumulative high school or college grade point average; or (4) any other indicator of scholastic ability which the state

board of regents determines to be demonstrative of potential for successful completion of a course of instruction leading to licensure as a teacher. To the extent practicable and consistent with qualification factors, consideration shall be given to qualified students who are members of ethnic minority groups.

(b) (1) Within the limitations of appropriations therefor, the number of scholarships awarded and the amount awarded to each applicant shall be determined by the executive officer. The amount awarded shall be specified in the agreement. The amount awarded may vary depending upon the number of hours and the program in which the applicant is enrolled. For academic year 2007-2008, the amount awarded shall not exceed \$2,500 each semester or its equivalent. *Except as provided by paragraph (2)*, for academic year 2008-2009 and each year thereafter, the maximum amount that may be awarded shall be increased by an amount equal to the percentage increase in the CPI (urban) during the preceding fiscal year as certified to the executive officer by the director of the budget on August 15 of each year.

(2) *For academic year 2008-2009, the amount awarded to qualified students enrolled in a program leading to licensure as a teacher with an endorsement in mathematics or science the amount awarded shall not exceed \$5,000 each semester or its equivalent. For academic year 2009-2010 and each year thereafter, the maximum amount that may be awarded under this paragraph shall be increased by an amount equal to the percentage increase in the CPI (urban) during the preceding fiscal year as certified to the executive officer by the director of the budget on August 15 of each year.*

(c) If a student is not enrolled on a full-time basis, a student shall complete the course of study within the time period specified in the agreement and shall receive a proportionate amount of the scholarship allowed under subsection (b) based upon the number of hours enrolled in an academic period, and computed as a fraction of the total number of credit hours required for full-time enrollment.

Sec. 2. K.S.A. 2007 Supp. 74-32,102 is hereby repealed.”;

By renumbering the remaining sections accordingly;

In the title, by striking all in lines 11 through 14 and inserting:

“AN ACT concerning the teacher service scholarship program; amending K.S.A. 2007 Supp. 74-32,102 and repealing the existing section.”;

Roll call was demanded.

On roll call, the vote was: Yeas 50; Nays 71; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Phelps, Powers, Rardin, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Coilyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Otto, Patton, Peck, Pottorff, Powell, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Hayzlett, Landwehr, Olson, Peterson.

The motion of Rep. Ward did not prevail.

Also, roll call was demanded on motion to recommend **HB 2870** for passage.

On roll call, the vote was: Yeas 68; Nays 51; Present but not voting: 1; Absent or not voting: 5.

Yeas: Aurand, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Craft, Crum, Dahl, Donohoe, Faber, George, Goico, Gordon, Grange, Hill, Hodge, Holland, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King,

Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Horst, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Neighbor, Owens, Palmer, Pauls, Phelps, Powers, Rardin, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: Kinzer.

Absent or not voting: Beamer, Colyer, Faust-Goudeau, Hayzlett, Peterson.

The motion prevailed, and **HB 2870** be passed as amended.

Committee report to **HB 2734** be adopted; also, on motion of Rep. Trimmer to amend, the motion was withdrawn. Also, roll call was demanded on further motion of Rep. Trimmer to amend on page 5, by striking all in line 7; following line 7 by inserting:

"Sec. 2. K.S.A. 2007 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a)

(1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil *enrolled in and* attending kindergarten shall be counted as $\frac{1}{2}$ pupil in school year 2008-2009 and each school year thereafter. A pupil *enrolled in and attending full-day kindergarten* shall be counted as $\frac{6}{10}$ pupil in school year 2009-2010, $\frac{7}{10}$ pupil in school year 2010-2011, $\frac{8}{10}$ pupil in school year 2011-2012, $\frac{9}{10}$ pupil in school year 2012-2013 and one pupil in school year 2013-2014 and each school year thereafter. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{10}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{10}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and

receiving educational services at a state institution shall not be counted. A pupil enrolled in a virtual school in a district but who is not a resident of the state of Kansas shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs.

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2007 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, density at-risk weighting, if any, non-proficient pupil weighting, if any, high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2007 Supp. 72-6442b, and amendments thereto.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2007 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" has the meaning ascribed thereto by 72-8187, and amendments thereto.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "Virtual school" means any kindergarten or grades one through 12 course offered for credit that uses distance-learning technologies which predominantly use internet-based methods to deliver instruction and for which the course content is available on an "anytime, anyplace" basis, but the instruction occurs asynchronously with the teacher and pupil in separate locations, not necessarily located within a local education agency.

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2007 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2007 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) "High density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2007 Supp. 72-6455, and amendments thereto, apply.

(t) "Nonproficient pupil" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year and who is enrolled in a district which maintains an approved proficiency assistance plan.

(u) "Nonproficient pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2007 Supp. 72-6454, and amendments thereto.

(v) "Psychiatric residential treatment facility" has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.

Sec. 3. K.S.A. 2007 Supp. 72-6407 and 72-6445a are hereby repealed.";

By renumbering the remaining section accordingly;

In the title, in line 10, by striking "relating"; by striking all in lines 11 and 12; following line 12 by inserting "amending K.S.A. 2007 Supp. 72-6407 and 72-6445a and repealing the existing sections.";

On roll call, the vote was: Yeas 56; Nays 64; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Johnson, Kuether, Lane, Loganbill, Long, Lukert, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Neighbor, Owens, Palmer, Pauls, Phelps, Powers, Quigley, Rardin, Ruff, Ruiz, Sawyer, Sloan, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, Yoder.

Nays: Aurand, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Mah, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Swanson, Tafanelli, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Beamer, Colyer, Hayzlett, Landwehr, Peterson.

The motion of Rep. Trimmer did not prevail, and **HB 2734** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2625** be adopted; also, on motion of Rep. Svaty be amended on page 1, in line 25, by striking all after "petition"; in line 26, by striking all before "5%"; in line 31, by striking "(1)"; by striking all in lines 41 through 43;

On page 2, by striking all in lines 1 through 6; in line 41, after "(1)" by inserting "The chief engineer shall conduct a public hearing and not an adversarial hearing."; also in line 41, by striking all after "of"; in line 42, by striking "trol area" and inserting "such hearing";

Also, on motion of Rep. Light to amend **Sub. HB 2625**, the motion did not prevail, and the substitute bill be passed as amended.

Committee report to **HB 2897** be adopted; and the bill be passed as amended.

Committee report to **HB 2860** be adopted; and the bill be passed as amended.

Committee report to **HB 2802** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2018** be adopted; and the substitute bill be passed.

CHANGE OF REFERENCE

Speaker Neufeld announced the withdrawal of **SB 487** from Committee on Agriculture and Natural Resources and referral to Committee on Taxation.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to House Rule 2306, **HB 2890** was withdrawn from the calendar under the heading General Orders and referred to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS

Rep. Vickrey moved, pursuant to House Rule 1503 (b), that **HB 2308** be changed to the first measure of business to be considered on General Orders on Friday, February 29, 2008.

Also, that **HB 2408** be changed to the second measure of business to be considered on General Orders on Friday, February 29, 2008.

Also, that **HB 2697** be changed to the third measure of business to be considered on General Orders on Friday, February 29, 2008.

Also, that **SB 196** be changed to the fourth measure of business to be considered on General Orders on Friday, February 29, 2008.

These motions will be considered under the order of business, Motions and Resolutions Offered on a Previous Day, on Friday, February 29, 2008.

REPORT ON ENGROSSED BILLS

HB 2188; Sub. HB 2618; HB 2620, HB 2634, HB 2657, HB 2675, HB 2732, HB 2780, HB 2825 reported correctly engrossed February 28, 2008.

REPORT ON ENROLLED RESOLUTIONS

HR 6011 reported correctly enrolled and properly signed on February 28, 2008.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Friday, February 29, 2008.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

